

II. REMARKS/ARGUMENTS

Request for Withdrawal of Restriction Requirement

Applicant hereby requests reconsideration and withdrawal of the restriction requirement in accordance with 37 C.F.R. § 1.111, for the reasons set forth below.

The examiner has asserted that applicants are required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted in the event that no generic claim is finally held to be allowable. The examiner has further indicated that Claim 1 is currently generic.

35 U.S.C. § 121 states that applicants are required to restrict the instant application “if two or more independent and distinct inventions are claimed in one application.”

Applicants submit that Species II, directed to Figure 9, and Species III, directed to Figure 10 are not independent and distinct from the vehicle seat of Species I.

Species II is directed to a cargo retainer feature. As indicated by Figure 9 and the associated disclosure of paragraph [0032], the cargo retainer is an integral portion of the vehicle seat. As can be seen, there is no indication that the cargo retainer is detachable from the vehicle seat of Figures 1-8. Further, the cargo retainer is not functional separately from the vehicle seat, which provides support for the cargo retainer and also defines the underseat storage area, as shown in Figure 9.

Species III is directed to a storage container feature. As indicated by Figure 10 and the associated disclosure of paragraph [0033], the storage container is an integral portion of the vehicle seat. As can be seen, there is no indication that the storage container is detachable from the vehicle seat of Figures 1-8. Further, the storage container provides support for the vehicle seat, as shown in Figure 10.

Applicants understand that they will be entitled to consideration of dependent Claims 16 through 19 under 37 C.F.R. § 1.141 if Claim 1 is ultimately allowed as a generic claim. However, applicants submit that this is unnecessary, since Claims 16 through 19 are not drawn to inventions independent and distinct from Claim 1, as detailed above.

III. CONCLUSION

For the reasons discussed above, applicants submit that withdrawal of the restriction requirement is proper and favorable action by the examiner is requested. The examiner is requested to contact applicants' representative at the telephone number below if any other issues remain.

Respectfully Submitted,



Michael A. Forhan, Reg. No. 46,706

Eley Law Firm Co.

Attorneys at Law

7870 Olentangy River Road

Suite 311

Columbus, Ohio 43235

Telephone (614) 825-3539

Facsimile (614) 825-9590

Email: mforhan@eyleylaw.com